IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1761 OF 2007

Vodafone Essar Limited ... Petitioners

versus

The State of Maharashtra and others ...Respondents

Mr. C.U. Singh, Senior Advocate, instructed by Mr. P.B. Anand, for the petitioners.
Mr. K.R. Belosay, Government Pleader, for respondent No.1.
Ms. L.S. Desai for respondent Nos. 2 and 3.
Mr. S.S. Pakale for respondent No.4.
Mr. M.S. Topkar for respondent No.5.

CORAM: **SWATANTER KUMAR, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: SEPTEMBER 18, 2007.

P.C.

During the course of hearing, it has been pointed out that after passing of the order dated 9th July, 2007, the petitioner company has preferred a reference under Section 5 of the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (hereinafter "the Act"), on 8th August, 2007.

2. It can hardly be disputed that once a reference is made, the

Government is under an obligation to settle the dispute upon constituting the Advisory Committee as contemplated under the provisions of the said Act.

3. The learned Government Pleader submits that the Government would take steps and ensure that the disputes raised in the reference are decided as expeditiously as possible and, in any case, not later than six weeks from today. Ordered accordingly.

4. This takes care of the principal relief prayed for in the writ petition in regard to interim arrangement for utilisation of labour by the petitioner. It is also agreed that the petitioner would utilise the work from 10 workers who have been nominated by the Respondent-Board. If the petitioner requires workers in excess of the above 10 workmen, the petitioner company would take workers from the 15 workmen represented by respondent No.5 Union. This arrangement would continue for a period of six weeks and a week thereafter within which period the Government should exercise its power, decide the disputes raised in the reference, after hearing the the parties, and communicate the decision to all concerned. During this period, the Board shall also not take any further action.

5. Petition is disposed of accordingly.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.